

HISTORIC PRESERVATION PERMIT

FILE NO.	HP21-008
LOCATION OF PROPERTY	7871 Prestwick Circle
ZONING DISTRICT	R-1-1 (PD) Planned Development
GENERAL PLAN DESIGNATION	Residential Neighborhood
PROPOSED PROJECT	Historic Preservation Permit to allow the rehabilitation of the exterior of the house including the roof, eaves, gutters, walls and trim material, porches, railings and balusters, stairs, balconies, sunroom, windows and doors and alterations to the porte cochere
HISTORIC CLASSIFICATION	City Landmark (Wehner Mansion) HS87-44, Resolution 61732
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities and Section 15331 for Historical Resource Restoration/Rehabilitation
OWNER/ADDRESS	Art Calderon 454 S. Bascom Avenue San José, CA 95128
ARCHITECT/ADDRESS	John Frolli Strata Design P.O. Box 1172 San José, CA 95108

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this project:

1. This Historic Preservation Permit is for the rehabilitation of the exterior of the house including the roof, eaves, gutters, walls and trim material, porches, railings and balusters, stairs, balconies, sunroom, windows and doors and alterations to the porte cochere of the Wehner Mansion.
2. The Wehner Mansion was built in circa 1889 for William Gottfried Wehner and designed in 1888 by Richard Burnham of the prominent Chicago architectural firm Burnham and Root. The two-story house was built in the Shingle Style with a full basement, and the site contains a summer kitchen and garden house.
3. The Wehner Mansion was designated a City Landmark (HS87-44) on October 17, 1989 (Resolution No. 61732). The property was designated under Historic Preservation Ordinance Landmark significance criteria 1, 4, 6 and 8 for its association with William Wehner and the Wehner family for their contributions to the wine industry in the late nineteenth century, and the distinctive Shingle style architecture of the house designed by Chicago architectural firm Burnham and Root.
4. The character-defining features of the Wehner Mansion include the complex, irregular building form, steeply pitched hipped roof and dormer windows, two story turret with conical roof, wood shingle roofing, wood shingle exterior wall cladding, projecting porches, porte-cochere, multiple round arches, double-hung wood windows, doors and trim.
5. The subject property at 7871 Preswick Circle is approximately 1.97-gross acres and located on the southwest corner of Prestwick Circle and Beltane Drive. The site is situated within the Villages Golf and Country Club area, in the southwest foothills of San Jose and is surrounded by residential housing, a park, country club and open space.
6. The subject property is designated Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan and is located in the R-1-1(PD) Planned Development Zoning District.
7. The project was considered by the Historic Landmarks Commission (HLC) during a public hearing on November 3, 2021. The HLC voted (4-0-1), Commissioner Arnold absent, to recommend approval, with conditions, to the Director of Planning, Building, and Code Enforcement.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The project is consistent with the designation of Residential Neighborhood on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan which allows a density of 8 DU/AC and a FAR of up to 0.7 (1 to 2.5 stories). The project would rehabilitate the Wehner Mansion for use as a family residence.
2. The project is consistent with the Envision San José 2040 General Plan Historic Preservation goal and policies LU-13, LU-13.2, LU-13.4, LU-13.6 and LU-13.15 in that it would preserve

and rehabilitate the Wehner Mansion, a designated City Landmark, for its historic use as a residential property. The proposed work would maintain the historic integrity and character-defining features of the house and would be conducted in conformance with the Secretary of the Interior's Standards for Rehabilitation.

3. The project is consistent with the R-1-1(PD) Planned Development Zoning District because no changes are proposed to setbacks or height of the Wehner Mansion.
4. The project will not be detrimental to a structure of significant architectural, historical, and aesthetic value and is consistent with the spirit and purposes of Chapter 13.48 of Title 13 of the San José Municipal Code because it is in conformance with the Your Old House: Guide for Preserving San José Homes and the Secretary of the Interior's Standards for Rehabilitation. The project will continue the historic residential use of the building. The work will repair and rehabilitate the character-defining features of the house including wood shingle roofing, wood shingle exterior wall cladding, double-hung wood windows, doors and trim, projecting porches, porte-cochere and multiple round arches, and where historic fabric is deteriorated beyond repair or missing, it will be replaced to match the original in design, texture, color, dimension, profile and finish with the original features of the house. The project will not change the distinctive features of the Shingle style house, including the steeply pitched hipped roof form, dormer windows and conical roofed rounded turret. No new additions are proposed, with the exception of the extension of the existing porte-cochere, which has partially collapsed at the end wall. No conjectural features will be added and no additions or alterations to the original house are proposed for removal. The project would enlarge this feature to and the new work will maintain the scale and architectural features of the original, particularly the proportions of the rounded arches. The new construction will match the wood shingle siding and crowning balustrade to protect the historic integrity of this feature. Any treatment, such as paint removal, will be undertaken using the gentlest means possible and there will be no ground disturbance.
5. Under the provisions of Section 15301 for Existing Facilities and Section 15331 for Historical Resource Restoration/Rehabilitation of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is consistent with Title 21 of the San José Municipal Code and the California Environmental Quality Act of 1970, as amended. Pursuant to Section 15301(a) for Existing Facilities, the project is exempt because it involves restoration and repairs of a City Landmark structure, with no alterations to the character defining features of the house. Pursuant to Section 15331 for Historical Resource Restoration/Rehabilitation, the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines Rehabilitating Historic Buildings.

In accordance with the findings set forth above, a Historic Preservation Permit for said purpose specified above and subject to each and all the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Historic Preservation Permit Limitations.** The scope of work described in this Historic Preservation Permit is limited to physical alterations to the Wehner Mansion, as required by Chapter 13.48 of Title 13 of the San Jose Municipal Code. This Historic Preservation Permit does not authorize any land uses. Land uses are separately regulated by Title 20 of the San Jose Municipal Code (Zoning Ordinance).
2. **Appeal Period and Permit Acceptance.** Per Section 13.48.270(D), should the permittee fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the permittee shall be deemed to constitute all of the following on behalf of the permittee:
 - a. Acceptance of the Permit by the permittee; and
 - b. Agreement by the permittee to be bound by, to comply with, and to do all things required of or by the permittee pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Chapter 13.48 applicable to such Permit.
3. **Timing.** No construction may be implemented unless and until this Historic Preservation Permit is released to the Building Division.
4. **Deadline for Commencing Construction.** This Historic Preservation Permit shall automatically expire two (2) years from and after the date of issuance hereof by said Director if within such period, pursuant to and in accordance with the provisions of this Historic Preservation Permit, construction has not commenced. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to one year. The Permit Adjustment must be approved prior to the expiration of this Permit.
5. **Conformance with Plans.** Construction and development shall conform to the conditions in this Historic Preservation Permit, and plans, entitled "Wehner Mansion Porch Repair, 7871 Prestwick Circle, San José, CA 95135," dated October 22, 2021, on file with the Department of Planning Building, and Code Enforcement. If there are inconsistencies among the Permits and the plans, these Permit take precedence.
6. **Final Staff Review of Replacement Features and Materials.** The permittee shall apply for a Permit Adjustment prior to issuance of building permit for staff review of any replacement features and materials to ensure the work will match the existing in design, dimension, profile, texture and finish.
7. **Plan Modifications.** Any modifications to the approved plans will require a Historic Preservation Permit Amendment or Adjustment at the discretion of the Director of Planning.
8. **Interpretive Sign.** The Permittee shall install and maintain an interpretive sign at the Wehner Mansion to inform the public of the history of the site.
9. **Conformance with Municipal Code.** No part of this approval shall be construed to permit violation of any part of the San José Municipal Code.
10. **Revocation.** This Historic Preservation Permit is subject to revocation for violation of any of its provisions or conditions.

11. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, *HP21-008* shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
12. **Fire Code Compliance.** Compliance with all applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
13. **Public Works Clearance for Building Permit(s):** Standard review timelines and submittal instructions for Public Works permits, as applicable, may be found at the following: <http://www.sanjoseca.gov/devresources>.
14. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 24 hours of defacement. The site will be cleaned of all debris.
15. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner, which does not create a public or private nuisance. The property owner must abate any such nuisance immediately upon notice.

APPROVED and issued on this **17th day of November 2021.**

Christopher Burton, Director
Planning, Building, and Code Enforcement

Deputy